

**RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #29-09**

**Piscataway Township, Middlesex County**

WHEREAS, on December 30, 2008, Piscataway Township, Middlesex County, petitioned the Council on Affordable Housing (COAH) for substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5, on March 14, 2009, the Township published notice of its petition in the *Courier News* and the *Home News Tribune*, which are newspapers of general circulation within the county; and

WHEREAS, no objections to the plan were received by COAH during the 45-day objection period, which ended May 18, 2009; and

WHEREAS, the Township's fair share plan addresses a total 1987-2018 affordable housing obligation of 1,257 units, consisting of a 144-unit rehabilitation share, 736-unit prior round obligation and a 377-unit projected growth share obligation pursuant to N.J.A.C. 5:97; and

WHEREAS, COAH staff has reviewed the Township's Housing Element and Fair Share Plan, which is incorporated by reference herein; and

WHEREAS, the Township proposes to address its 144-unit rehabilitation share with 3 rehabilitation credits and a rehabilitation program for 141 units; and

WHEREAS, the Township proposes to address its 736-unit prior round obligation with 116 prior cycle credits, 167 credits for two Regional Contribution Agreements with the City of New Brunswick; 26 credits and 26 bonuses for 6 group homes; 74 credits for 74 units at Starpointe, a family, sale development; 42 credits for 42 units at The Commons, a family, sale development; 73 credits and 73 bonuses for 73 units at Aspen Court, a rental development for families; and 106 credits and 35 bonuses for 106 units at Sterling Village, a rental, age-restricted development; and

WHEREAS, Piscataway proposes to address a portion of its 377-unit projected growth share obligation with 16 prior cycle credits; 12 credits for 12 units at Ridgedale, a family, rental development; 44 credits for 44 units at Sterling Village, a rental, age-restricted development; 9 credits and 9 rental bonuses for 9 units at Aspen Court, a family, rental development; and 20 credits for five group homes; and

WHEREAS, Piscataway Township proposes to address its remaining projected growth share obligation of 267 units with 55 credits for an Extension of Expiring Controls program; 97 credits for a zoned site, Old New Brunswick Site, for family, rental units; 17 credits and 17 compliance bonuses for 17 units at Greenhouse Estates, a proposed, age-restricted development; 24 credits and 24 compliance bonuses for 24 units at Cedar Estates, a proposed family, sale development; and 66 credits for 66 units at JSM at Fairway, a family, rental development; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on June 23, 2009 COAH issued a Compliance Report (attached as Exhibit A and incorporated by reference herein) recommending approval of the Township's petition for third round substantive certification; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and COAH received no comments during this timeframe.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by the Township of Piscataway comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.2(a), after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to the Township of Piscataway; and

BE IT FURTHER RESOLVED that after receiving final substantive certification, pursuant to N.J.A.C. 5:96-6.3(e), the Township shall adopt all implementing Fair Share Ordinances within 45 days of this grant of substantive certification; and

BE IT FURTHER RESOLVED if the Township fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that Piscataway shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that Piscataway shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting Piscataway's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Piscataway's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Piscataway and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater; the Township is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4; or the mechanisms addressing the projected growth share obligation no longer present a

realistic opportunity for the creation of affordable housing; then, the Council may direct the municipality to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Piscataway shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Piscataway's substantive certification shall remain in effect until December 30, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of the Township to provide for the realistic opportunity of its fair share of low- and moderate-income housing and which the Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution was  
duly adopted by the Council on Affordable  
Housing at its public meeting on August 12, 2009

A handwritten signature in black ink, reading "Renee Reiss". The signature is written in a cursive, flowing style with a large initial "R".

Renee Reiss, Secretary  
Council on Affordable Housing



***Council on Affordable Housing  
Compliance Report  
June 24, 2009***



**Municipality:** *Piscataway Township*  
**County:** *Middlesex County*

**COAH Region:** *3*  
**Planning Area:** *1*  
**Special Resource Area:** *none*

**Housing Element and Fair Share Plan Adopted:** *December 17, 2008*  
**Petition for 3<sup>rd</sup> Round Substantive Certification:** *December 30, 2008*  
**Completeness Determination:** *February 14, 2009*  
**Date of Publication:** *March 14, 2009*

**Objections Received:** *No*

**Petition Includes:**

**VLA:** *No*  
**GPA:** *No*  
**Waiver:** *No*

**Date of Site Visit:** *June 17, 2009*

**History of Approvals:**

	<b>COAH</b>	<b>JOC</b>	<b>N/A</b>
<b>First Round:</b>	<i>June 6, 1988</i>		
<b>Second Round:</b>	<i>July 10, 1996</i>		
<b>Extended Certification:</b>	<i>June 8, 2005</i>		

**Plan Preparer:** *Art Bernard, PP*

**Municipal Housing Liaison:** *Dawn Corcoran-Gardella*

**Recommendation:** Grant Substantive Certification

***SUMMARY OF FAIR SHARE OBLIGATION***

Rehabilitation Share	144
Prior Round Obligation	736
Projected Growth Share Obligation (Net)	377

***ACTUAL GROWTH and GROWTH SHARE through September, 2008<sup>1</sup>***

<b>Res Units (#)</b>	<b>Actual Res Growth Share</b>	<b>Jobs (#)</b>	<b>Actual Non-Res Growth Share</b>	<b>Actual TOTAL Growth Share</b>
208	42 units	1,044	65 units	107 units

***COMPLIANCE PLAN SUMMARY***

<b>Obligation</b>	<b>Credit/ Mechanism Type</b>	<b># Units Completed</b>	<b># Units Proposed</b>	<b>TOTAL</b>
<b>Rehabilitation: 144 units</b>				
<b>Credits</b>	Post-April 1, 2000	3		3
<b>Program</b>	County/Municipal		141	141
<b>Rehabilitation Subtotal</b>				<b>144</b>
<b>NEW CONSTRUCTION:</b>				
<b>Prior Round: 736 units</b>				
<b>Credits</b>	Prior Cycle	116		116
	Post-1986	321		321
	RCA	167		167
<b>Prior Round Bonuses</b>	Rental	99		99
	Age-Restricted Rental	35		35
<b>Prior Round Subtotal</b>				<b>738</b>

<sup>1</sup> This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

<b>Growth Share: 377 units</b>				
<b>Credits</b>	Prior Cycle	16		16
	Post-1986	85		85
<b>Proposed Mechanisms</b>	Inclusionary Zoning		204	204
	Extension of Expiring Controls		55	55
<b>Growth Share Bonuses</b>	Compliance	50		50
<b>Growth Share Subtotal</b>				<b>410</b>
<b>Surplus</b>				<b>33</b>

## I. HOUSING ELEMENT

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. Piscataway's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's affordable housing fair share obligation, which is the sum of the rehabilitation share, the prior round obligation and the growth share.

### A. Rehabilitation Share

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of

low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Piscataway has a rehabilitation share of 144 units.

## **B. Prior Round Obligation**

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Piscataway has a prior round obligation of 736.

## **C. Projected Growth Share**

The projected growth share is initially calculated based on household (residential) and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, Piscataway has a residential projection of 1,704 units and a non-residential projection of 1,866 jobs, which results in an initial projected growth share obligation of 490 affordable units. However, after subtracting the allowable exclusions itemized in Worksheet A (attached as Appendix A), Piscataway's residential projection is reduced to 260.20 units. Therefore, Piscataway's total projected growth share for the period 1999-2018 is 377 affordable units consisting of a 260.20-unit projected residential growth share and a 116.63-unit projected non-residential growth share.<sup>2</sup>

### **SUMMARY OF FAIR SHARE OBLIGATION**

Rehabilitation Share	144
Prior Round Obligation	736
Projected Growth Share Obligation (Net)	377

## **II. FAIR SHARE PLAN**

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<sup>2</sup> Pursuant to N.J.A.C. 5:97-2.2(d), Piscataway's residential projection of 1,301 is divided by 5 to yield 260.20 units and the non-residential projection of 1,866 jobs is divided by 16 to yield 116.63 units. Piscataway's total projected growth share is therefore 377 units (260 + 117).



A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

Piscataway's Fair Share Plan, and the supporting documentation incorporated by reference therein, addresses the requirements of N.J.A.C. 5:97-3.1 as follows:

**A. Plan to Address Rehabilitation Share**

**Rehabilitation Share Credits**

Piscataway is requesting credit for three units rehabilitated subsequent to April 1, 2000. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

**Rehabilitation Credits**

<b>Rehabilitation Program</b>	<b># Credits</b>
Middlesex County Rehabilitation Program	3
<b>TOTAL</b>	<b>3</b>

**Proposed Rehabilitation Program**

***Piscataway Township Rehabilitation Program***

Piscataway Township will utilize the Piscataway Township Rehabilitation Program to address 141 units of its rehabilitation obligation. The program will be administered by the Township. Piscataway has dedicated \$2,880,000.00 of its affordable housing trust fund to rehabilitate owner-occupied and renter-occupied units. The Township has submitted a rehabilitation manual and a schedule for completing the units. The Township continues to participate in the Middlesex County rehabilitation program, but did not provide a letter demonstrating a commitment to rehabilitate units within the Township.

### Proposed Rehabilitation Program

Rehabilitation Program	# Units
<i>Piscataway Township Rehabilitation Program</i>	141
<b>TOTAL</b>	<b>141</b>

#### B. Plan to Address Prior Round Obligation

##### Prior Round Obligation Credits

Piscataway is addressing its prior round obligation with 116 prior cycle credits and 620 post-1986 credits. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

##### Prior Cycle Credits

Project/Development Name	Year Built	Type of Affordable Unit	# Units/ Bedrooms
Society Hill	1986	family sale	109
Lutheran Social Ministries		group home	7 br
<b>TOTALS</b>			<b>116</b>

##### Post-1986 Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
RCA – New Brunswick I	1996		99			99
RCA – New Brunswick II	2003		68			68

Winans	1993	group home	5 br	rental	5	10
Dungarvin	2000	group home	4 br	rental	4	8
United Cerebral Palsy	1997	group home	3 br	rental	3	6
NJ Association for the Deaf/Blind	2004	group home	4 br	rental	4	8
DMHS – Sturbridge	1997	group home	4 br	rental	4	8
Keystone Community – Curtis	1997	group home	6 br	rental	6	12
Starpointe	1995	family, sale	74			74
The Commons	1991	family, sale	42			42
Aspen Court	2006 approval	family, rental	73	rental	73	146
Sterling Village	1991	age-restricted , rental	106	rental	35	141
<b>TOTALS</b>			<b>488</b>		<b>134</b>	<b>622</b>

### **Proposed Affordable Housing Mechanisms**

Piscataway is relying on credits and therefore is not proposing any additional affordable housing mechanisms to address its prior round obligation.

### **Prior Round Obligation Parameters**

Piscataway has satisfied the applicable Prior Round parameters as follows:

**Prior Round Rental Obligation:<sup>3</sup> 155 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Winans	group home	5
Dungarvin	group home	4
United Cerebral Palsy	group home	3
NJ Association for the Deaf/Blind	group home	4
DMHS – Sturbridge	group home	4
Keystone Community – Curtis	group home	6
Aspen Court	family	73
Sterling Village	age-restricted	106
<b>TOTAL</b>		<b>205</b>

**Prior Round Age-Restricted Maximum<sup>4</sup> : 148 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Sterling Village	rental	106
<b>TOTAL</b>		<b>106</b>

<sup>3</sup> Rental Obligation: N.J.A.C. 5:97-3.10 Rental Obligation = 25 percent (Prior Round Obligation – Prior Cycle Credits – Impact of 20 percent cap – Impact of the 1,000-unit limitation)  
= .25 (736 – 116 – 0 – 0) = 155

<sup>4</sup> Age-Restricted Maximum: N.J.A.C. 5:97-3.10 Age-Restricted Maximum = 25 percent (Prior Round Obligation + Rehabilitation Share – Prior Cycle Credits – Rehabilitation Credits – Impact of 20 percent cap – Impact of the 1,000-unit limitation – Transferred or Proposed RCA Units Addressing the Prior Round Obligation) = .25 (736 + 144 – 116 – 3 – 0 – 0 – 167) = 148

**Regional Contribution Agreement (RCA) Maximum<sup>5</sup>: 380 Units**

Receiving Municipalities	Type of Affordable Unit	# Units
New Brunswick I	rehabilitation	99
New Brunswick II	rehabilitation	68
<b>TOTAL</b>		<b>167</b>

**Prior Round Rental Bonus Maximum<sup>6</sup>: 155 Units**

Development/Project Name	Type of Bonus	# Bonuses
Winans	rental	5
Dungarvin	rental	4
United Cerebral Palsy	rental	3
NJ Association for the Deaf/Blind	rental	4
DMHS – Sturbridge	rental	4
Keystone Community – Curtis	rental	6
Aspen Court	rental	73
Sterling Village	rental	35
<b>TOTAL</b>		<b>134</b>

<sup>5</sup> RCA Maximum: N.J.A.C. 5:97-3.10 RCA Maximum = 50 percent (Prior Round Obligation + Rehabilitation Share – Prior Cycle Credits – Rehabilitation Credits - Impact of 20 percent cap – Impact of the 1,000-unit limitation) = .50 (736 + 144 – 116 – 3 – 0 – 0 – 0) = 380

<sup>6</sup> No rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, PR Rental Bonus Maximum = PR Rental Obligation N.J.A.C. 5:97-3.5

**C. Plan to Address Projected Growth Share**

**Growth Share Obligation Credits**

Piscataway is addressing 110 units of the projected growth share obligation with 16 prior cycle credits, 85 post-1986 credits and 9 bonuses. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

**Prior Cycle Credits**

<b>Project/Development Name</b>	<b>Year Built</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>
DMHS – Metlars	1985	group home	6 br
Housing Alternatives	1985	group home	6 br
Chimes – Kilmer	1985	group home	4 br
<b>TOTALS</b>			<b>16</b>

The Prior Cycle Credits in the chart above have not been part of a previously certified plan. These are units that were identified by the Township and they are seeking credit for these newly identified units.

**Post-1986 Credits**

<b>Project/Development Name</b>	<b>Year Built or Approved</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Ridgedale	1990	family, rental	12			12
Sterling Village	1991	age-restricted, rental	44			44
Aspen Court	2006 approval	family, rental	9	rental	9	18

Special Care Community Services	2002	group home	4 br			4 br
Development Resources Corp – Hamilton	1988	group home	4 br			4 br
ADTI Housing Corp – Bristol	2006	group home	4 br			4 br
The Chimes – Ross Hall	2000	group home	4 br			4 br
The Chimes – Cedarwood	2002	group home	4 br			4 br
<b>TOTALS</b>			<b>85</b>		<b>9</b>	<b>94</b>

### **Proposed Affordable Housing Mechanisms**

Piscataway proposes to address the remaining 267-unit growth share obligation through the following mechanisms:

#### ***JSM at Fairways***

Piscataway will rely on zoning to address 66 units of its projected growth share obligation. The site is located on the northwest corner of Stelton Road and Ethel Road West on Block 734, Lot 44.14. The 33-acre site is currently commercially developed with a recreational golf and retail sports facility. There is road frontage on Stelton Road and Ethel Road West.

The site is located within Planning Area (PA) 1 and has access to public water and sewer. Surrounding development includes single family detached dwellings, multi-family development, retail and service establishments. In addition, mass transit bus service is available on Stelton Road and the Edison Train Station is in close proximity.

The Township submitted environmental maps with its petition. There are mapped wetlands along the northern and southern property lines. The southern boundary extends along the Ambrose Brook.

The site received preliminary and final site plan approval on May 29, 2008 and was memorialized by resolution on August 13, 2008. Approval was granted for 331 residential units (sale or rental) and 64,740 sq. ft. of commercial/retail space. The 331 residential units will include 66 affordable units. The zoning and approvals in place require that the developer comply with the COAH's regulations for bedroom distribution and income requirements. **[66 family rental units including 7 very-low income family rental units]**

#### *Cedar Estates*

Piscataway will rely on zoning to address 24 units of its projected growth share obligation. The site is located at 1 Possumtown Road on Block 413.01, Lot 3.06. The site is located within Planning Area (PA) 1 and has access to public water and sewer. Surrounding development includes single family detached dwellings, multi-family development, retail and service establishments.

The Township submitted environmental maps with its petition. There are no known environmental constraints.

The site received preliminary and final site plan approval on June 27, 2007 and was memorialized by resolution on September 5, 2007. Approval was granted for 120 residential units of which 24 will be affordable units. Pursuant to N.J.A.C. 5:97-3.17, a municipality may receive two units of credit for each affordable housing unit that has been included in a development that received preliminary or final approval between December 20, 2004 and June 2, 2008. Cedar Estates is eligible to receive 24 compliance bonuses. **[24 family units and 24 compliance bonuses]**

#### *Greenhouse Estates*

Piscataway will rely on zoning to address 76 units of its projected growth share obligation. The site is located on the southwest corner of North Randolphville Road and William Street on Block 349, Lot 3.03. The 36-acre site has been the site of a wholesale greenhouse. There is road frontage on North Randolphville Road.



The site is located within Planning Area (PA) 1 and has access to public water and sewer. Surrounding development includes single family housing, an elementary school and two parks. The Township submitted environmental maps with its petition. There are mapped wetlands along the western and southern property lines.

The site received preliminary and final site plan approval on August 8, 2007 and was memorialized by resolution on September 5, 2007. Approval was granted for 152 age-restricted, residential units. The planning board resolution states that the affordable units will be distributed throughout the development. Although the number of affordable units wasn't explicitly expressed, the resolution states that the number of affordable units will conform to the Township's Growth Share Ordinance, which would require 17 affordable units. Pursuant to N.J.A.C. 5:97-3.17, a municipality may receive two units of credit for each affordable housing unit that has been included in a development that received preliminary or final approval between December 20, 2004 and June 2, 2008. Greenhouse Estates is eligible to receive 17 compliance bonuses. **[17 age-restricted units and 17 compliance bonuses]**

#### ***Old New Brunswick Site***

Piscataway will rely on zoning to address 97 units of its projected growth share obligation. The site is located between the Reading Railroad and Old New Brunswick Road on Block 317, Lots 6.01, 9.03, 11.01, and 11.03. The 35-acre site is adjacent to an elementary school and a vacant parcel. As the property is also close to the Reading Railroad line, the Township will require sound buffering.

The site is located within Planning Area (PA) 1 and has access to public water and sewer. The Township submitted environmental maps with its petition. There are mapped wetlands. The Township submitted a Letter of Interpretation from the NJ Department of Environmental Protection regarding the potential environmental impacts on this site. It is estimated that 27 acres of the property are buildable.

The site has not received any site plan approvals. Pursuant to N.J.A.C. 5:97-6.4 (b)6ii, an incentive for rental housing has been created when the inclusionary zoning

permits a presumptive minimum density of 12 units per acre and a presumptive maximum affordable housing set-aside of 20 percent of the total number of units in the development and the zoning provides for at least 10 percent of the affordable units to be affordable to households earning 30 percent or less of the area median income for the COAH region. The development has a proposed density of 18 units per acre and will produce 389 market rate units and 97 affordable units, including 10 very-low income units, which represents a 20 percent set-aside. **[97 family, rental units of which 10 are very-low income, family rental units]**

### *Extension of Expiring Controls*

Piscataway will utilize the Extension of Expiring Controls program to address 55 units of its projected growth share obligation. The Township has identified four developments that have units that will have affordability controls expiring before 2018. The Township has indicated that the units will be family sale units; as a result, the three developments listed will be considered for the Extension of Expiring Controls program.

Society Hill – 109 family, sale units - expires in 2006

Starpointe – 74 family, sale units – expires in 2015

The Commons – 42 family, sale units - expires in 2011

Piscataway will extend the controls on the units upon change of title. The Township anticipates approximately 5-10 units will have their controls extended each year. As a unit becomes available for sale, the units will be rehabilitated and the 30-year deed controls will be put in place. All units must be extended in accordance with N.J.A.C. 5:80-26.1 et seq. The Township has dedicated \$1,100,000.00, an average of \$20,000.00 per unit, from its affordable housing trust fund for the rehabilitation of the units before the unit is occupied by the new low- or moderate-income homeowner. **[55 family, sale units]**

**Proposed Growth Share Affordable Housing Mechanisms**

<b>Type/Name of Affordable Housing Mechanism</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
JSM at Fairway	family, rental	66			66
Cedar Estates	family, sale	24	compliance	24	48
Greenhouse Estates	age-restricted	17	compliance	17	34
Old New Brunswick Site	family, rental	97			97
Extension of Expiring Controls	family, sale	55			55
<b>TOTALS</b>		<b>259</b>		<b>41</b>	<b>300</b>

**Growth Share Parameters**

Piscataway has satisfied the applicable Growth Share parameters as follows:

**Growth Share Rental Obligation:<sup>7</sup> 95 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Ridgedale	family, inclusionary	12
Aspen Court	family, inclusionary	9
Sterling Village	age-restricted	44
JSM at Fairways	family, inclusionary	66
Old Brunswick Road	family, inclusionary	97
<b>TOTAL</b>		<b>228</b>

<sup>7</sup> Projected Growth Share Rental Obligation:  $.25(\text{Projected Growth Share})$  or  $.25(377)=95$  units N.J.A.C. 5:97-3.10(b)3

**Growth Share Family Rental Requirement<sup>8</sup> : 48 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Ridgedale	family, inclusionary	12
Aspen Court	family, inclusionary	9
JSM at Fairways	family, inclusionary	66
Old Brunswick Road	family, inclusionary	97
<b>TOTAL</b>		<b>184</b>

**Growth Share Minimum Family Requirement<sup>9</sup> : 180 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Ridgedale	family, inclusionary	12
Aspen Court	family, inclusionary	9
JSM at Fairways	family, inclusionary	66
Old Brunswick Road	family, inclusionary	97
<b>TOTAL</b>		<b>184</b>

**Very Low Income Minimum Requirement<sup>10</sup> : 47 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
DMHS – Sturbridge	special needs	4br

<sup>8</sup> Projected Growth Share Family Rental Requirement: .5(Projected Growth Share Rental Requirement) or .5(95)= 48 units N.J.A.C. 5:97-3.4(b)

<sup>9</sup> Projected Growth Share Family Requirement: .5(Units Addressing the Growth Share Obligation) or .5(360)= 180 units N.J.A.C. 5:97-3.9

<sup>10</sup> Growth Share Very Low Income Requirement: .13(Units Addressing the Growth Share Obligation) or .13(360)= 47 units pursuant to P.L.2008, c.46

Keystone Community – Curtis	special needs	6br
Special Care Community Services	special needs	4br
Development Resources Corp – Hamilton	special needs	4br
ADTI Housing Corp – Bristol	special needs	4br
The Chimes – Ross Hall	special needs	4br
The Chimes – Cedarwood	special needs	4br
JSM at Fairways	family	7
Aspen Court	family	9
Old Brunswick Road	family	10
<b>TOTAL</b>		<b>56</b>

**Age-Restricted Maximum<sup>11</sup> : 94 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Sterling Village	rental	44
Greenhouse Estates	sale	17
<b>TOTAL</b>		<b>61</b>

**Bonus Maximum<sup>12</sup>: 94 Bonuses**

<b>Development/Project Name</b>	<b>Type of Bonus</b>	<b># Bonuses</b>
Cedar Estates	compliance	24

<sup>11</sup> Projected Growth Share Age Restricted Maximum: .25(Projected Growth Share) or .25(377)= 94 units  
N.J.A.C. 5:97-3.10(c)

<sup>12</sup> Projected Bonus Maximum: .25(Projected Growth Share) or .25(377)= 94 units N.J.A.C. 5:97-3.20

Greenhouse Estates	compliance	17
Aspen Court	Rental	9
<b>TOTAL</b>		<b>50</b>

**Actual Growth Share Obligation**

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 2008, Piscataway issued certificates of occupancy for 208 housing units and for the non-residential square footage equivalent of 1,044 jobs, yielding an actual growth share obligation through September 30, 2008, of 107 affordable units.<sup>13</sup>

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<sup>13</sup> The number of residential COs (208) is initially divided by 5 to yield 42 units and the number of jobs (1,044) is initially divided by 16 to yield 65 units. Piscataway's total actual growth share is therefore 107 units (42 + 65). **Note:** This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

**D. Summary of Plan to Address Fair Share Obligation**

**REHABILITATION SHARE SUMMARY**

**Rehabilitation Share: 144 Units**

<b>Program Name</b>	<b># Units</b>
Middlesex County Rehabilitation	3
Piscataway Township Rehabilitation	141
<b>TOTAL</b>	<b>144</b>

**PRIOR ROUND SUMMARY**

**Prior Round Obligation: 736 Units**

	<b>Name of Mechanism</b>	<b># Units/ Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
<b>Prior Cycle Credits</b>	family, inclusionary, sale	109			109
	group home	7br			7
<b>Post-1986 Credits</b>	RCAs	167			167
	group homes	26br	rental	26	52
	family, inclusionary, sale	116			116
	family, inclusionary, rental	73	rental	73	146
	age-restricted, inclusionary, rental	106	rental	35	141
<b>Subtotal</b>		<b>604</b>		<b>134</b>	<b>738</b>
<b>TOTAL</b>					<b>738</b>
<b>Surplus</b>					<b>2</b>

**GROWTH SHARE SUMMARY**  
**Projected Growth Share Obligation: 377 Units**

	<b>Name of Mechanism</b>	<b># Units/ Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
<b>Prior Cycle Credits</b>	group homes	16br			16
<b>Post-1986 Credits</b>	Inclusionary, family rental	21	rental	9	30
	Inclusionary, age-restricted rental	44			44
	group homes	20br			20
<b>Subtotal</b>		<b>101</b>		<b>9</b>	<b>110</b>
<b>Proposed Mechanisms</b>	Inclusionary, family rental	187	compliance	24	211
	Inclusionary, age-restricted rental	17	compliance	17	34
	Extension of Controls	55			55
<b>Subtotal</b>		<b>259</b>		<b>41</b>	<b>300</b>
<b>TOTAL</b>					<b>410</b>
<b>Surplus</b>					<b>33</b>

### III. FAIR SHARE DOCUMENT REVIEW

#### A. Development Fee Ordinance

Piscataway's certified plan included a development fee ordinance that was approved by COAH on December 7, 2006, and adopted by the Township on April 25, 2006. Piscataway submitted a draft amended development fee ordinance or COAH's review and approval with its third round petition. The amended development fee ordinance will be reviewed by COAH in a separate report.



**B. Third Round Spending Plan**

A revised third round spending plan was submitted by Piscataway with the Township's third round petition for COAH's review and approval. The spending plan will be reviewed by COAH in a separate report.

**C. Affordable Housing Ordinance/Affordable Housing Administration**

Piscataway has submitted a revised draft affordable housing ordinance that comports with the requirements of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., which was amended on December 20, 2004. The draft proposed ordinance has also been amended to comply with the barrier free subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison and a resolution appointing a municipal housing liaison were adopted by the Township on April 6, 2006.

Piscataway is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Piscataway and must identify an experienced administrative entity for that purpose by contract, agreement or letter. The Municipal Housing Liaison has been serving as the in house Administrative Agent. However, the Township is in negotiations with Piazza and Associates to be the Administrative Agent for existing units and for the units that are yet to be constructed. The Township must submit a copy of the contract once it has been executed. Pursuant to N.J.A.C. 5:80-26.14(b), Piscataway has submitted a written operating manual for administering affordable units within the Piscataway.

**D. Affirmative Marketing Plan**

Piscataway has submitted an affirmative marketing plan that comports with the

requirements of the UHAC and ensures the units in the Township's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by Piscataway within 45 days of COAH's grant of substantive certification and submitted to COAH.

#### **IV. MONITORING**

Piscataway must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the municipality's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified by COAH staff during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4. If the units are determined not to be eligible for credit, COAH will notify Piscataway in writing and the Township may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Piscataway's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Piscataway and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall.

**V. RECOMMENDATION**

COAH staff recommends that Piscataway be granted third round substantive certification. Piscataway must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption. Piscataway must submit a copy of the contract with Piazza and Associates once it has been executed.